

**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-SECOND LEGISLATURE, 2023**

ON THE FOLLOWING MEASURE:

S.B. NO. 588, RELATING TO EXCESSIVE NOISE.

BEFORE THE:

SENATE COMMITTEE ON TRANSPORTATION AND CULTURE AND THE ARTS

DATE: Tuesday, January 31, 2023 **TIME:** 3:00 p.m.

LOCATION: State Capitol, Room 224

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Mary Bahng Yokota, Deputy Attorney General

Chair Lee and Members of the Committee:

The Department of the Attorney General provides the following comments.

The purpose of this bill is to require the Department of Transportation, in conjunction with the city and county of Honolulu, to develop a pilot program to use noise detection traffic cameras to address excessive traffic noise in urban areas on the island of Oahu.

This bill appears to address the excessive traffic noise only in the city and county of Honolulu as opposed to all the counties. Thus, it may be subject to challenge under article VIII, section 1, of the State Constitution, which provides:

Section 1. The legislature shall create counties, and may create other political subdivisions within the State, and provide for the government thereof. Each political subdivision shall have and exercise such powers as shall be conferred under *general laws*. (Emphasis added.)

This Constitutional provision “requires the legislature to confer powers upon the counties *only* by general laws” (emphasis added). *Bulgo v. Maui Cnty.*, 50 Haw. 51, 58, 430 P.2d 321, 326 (1967). “The term general laws . . . denotes laws which apply uniformly throughout all political subdivisions of the State.” *Id.* “But a law may apply to less than all of the political subdivisions and still be a general law, if it applies uniformly to a class of political subdivisions, which, considering the purpose of the legislation, are distinguished by sufficiently significant characteristics to make them a class by themselves.” *Id.*

To minimize the possibility of such a challenge, we recommend that the bill either apply statewide or uniformly to a class of political subdivisions as distinguished by sufficiently significant characteristics, such as the size of population of the counties. If the bill were to apply statewide, page 1, lines 1 through 5, may be amended as follows:

The department of transportation, in conjunction with the [~~city and county of Honolulu,~~] counties, shall develop a pilot program to use noise detection traffic cameras to address excessive traffic noise in urban areas [~~on the island of Oahu.~~] in the State.

If the bill were to apply to a class of political subdivisions as distinguished by sufficiently significant characteristics, page 1, lines 1 through 5, may be amended as follows:

The department of transportation, in conjunction with the [~~city and county of Honolulu,~~] counties, shall develop a pilot program to use noise detection traffic cameras to address excessive traffic noise in urban areas [~~on the island of Oahu.~~] in counties with a population of _____ or more.

Thank you for the opportunity to provide comments.

SB-588

Submitted on: 1/29/2023 1:14:36 PM

Testimony for TCA on 1/31/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Mischer	Individual	Support	Written Testimony Only

Comments:

I am in support of SB588. Most modern vehicles are very quiet, because it makes sense, to protect the public from unnecessary noise. Fellow citizens who have the need to terrorize the rest of us with excessive noise from modified mufflers on cars and motorcycles must be taken of public roads. This pilot program should help to address this unnecessary problem. Thank you.

January 29, 2023

ATTN: Senate Committee on Transportation and Culture and the Arts
RE: Support of SB588 Relating to Excessive Noise

Dear Chair Lee, Vice-Chair Inouye, and Committee members,

Attached please find an informative report on how Paris, France, is using technology to deal with excessive noise.

Noise detection traffic cameras are needed in Hawaii, too! As noted in the article noise is not just a quality-of-life issue, it is also a health issue.

Please support this bill and by doing so, the health and well-being of Hawaii's residents and visitors.

Sincerely,

Denise
Denise Boisvert
225 Kaiulani Ave #1604
Honolulu, HI 96815



Motorcyclists in Paris are among the offenders targeted in the city's new campaign against noise pollution. *Photographer: Christophe Archambault/AFP via Getty Images*

CityLab | Environment

Europe's Noise Capital Tries to Turn Down the Volume

To combat the ill effects of urban noise pollution, Paris is deploying automated sensors and cracking down on the loudest vehicles.

By Peter Yeung

April 26, 2022 at 7:00 PM HST

By mid-morning, Rue d'Avron is a cacophony. The clank of metal rings out from scaffolding works; greengrocers yell and gesture as crates of deliveries arrive; and streams of chattering commuters pour out of the metro.

But the loudest racket comes from columns of fast-moving traffic lining both sides of the street, which runs from the infamous ring road surrounding Paris known as the *périphérique* and into the city center: the two-note sirens of police cars, the diesel rumble of buses and, worst of all, the high-pitched wail of motor scooters that speed by every few seconds.

“It’s hell over here,” says Dominique Léchenet, 55, a longtime resident. “There’s cars, motorbikes, a metro station, and a big road junction. I can’t stand the noise. It’s unbearable.”

The complaints of those living on Rue d'Avron – considered one of the noisiest roads in one of Europe’s loudest cities – haven’t fallen on deaf ears: In February, municipal authorities installed a device known as sound radar – the first ever in Paris – on a lamppost along the thoroughfare in the city’s eastern 20th arrondissement to detect the loudest vehicles. A second was added in the northwestern 17th arrondissement soon after.



A sound radar device in Paris combines microphones and cameras to detect noise offenders. *Photographer: Clement Dorval/Ville de Paris*

The so-called “medusa” devices, named for their resemblance to a jellyfish (or “méduse” in French), were developed by the nonprofit Bruitparif to identify drivers and motorcycle riders who are flouting the city’s noise regulations. Equipped with multidirectional cameras and a dangling battery of eight microphones, the sensors can hone in on sources of extreme noise and photograph the license plates of offenders. In 2023, the city will begin fining drivers 135 euros if their vehicles break set noise levels.

Motorcycles and scooters – often with their exhaust systems illegally modified to boost noise and power – are a particular problem in Paris, according to Franck-Olivier Torro, spokesperson for campaign group [Ras Le Scoot](#) (or “Enough with the Scooter”).

“The noise can be ear-splitting,” says Torro, citing research by Bruitparif that found that a single unmuffled scooter crossing Paris at night can wake as many as 10,000 people.

But the sound radars, which were also installed in [six other sites](#) across the country, including Nice and Toulouse, form part of a wider national campaign against excessive noise, which officials say is a major overlooked public health issue, not merely a nuisance. France’s [mobility orientation law](#), which was passed in December 2019, defined noise as a form of “pollution” for the first time.

The wide spectrum of urban noise, and its decidedly unequal effects on city dwellers, attracted [fresh attention](#) with the onset of the Covid-19 pandemic and the shift toward working remotely it triggered. In Vancouver, for example, complaints about residential and construction noise [more than doubled](#) in the early weeks of the pandemic. But whether the culprits are [shrieking leaf blowers](#), [idling trucks](#) or [thumping car stereos](#), enforcement of excessive noise complaints tends to be spotty and ineffective. The advent of automated sensor technologies like Paris’ sound radar program could change that, offering hope that cities can develop new remedies for an age-old urban complaint.

[Read More: Automating the war on noise pollution](#)



The “périphérique” highway is a prime contributor to the Paris noise map. *Photo: Peter Yeung/Bloomberg CityLab*

Paris is something of a hotspot both for noise pollution and for municipal efforts to control it. European Environment Agency [data](#) shows the French capital is one of Europe’s noisiest cities, with more than 5.5 million in the Paris region exposed to road traffic noise at 55 decibels or higher – which the [World Health Organization](#) defines as the threshold for cardiovascular disorders and high blood pressure – compared with 2.6 million people in London and 1.7 million people in Rome.

On a national level, the ill effects of noise pollution in France, which include the loss of productivity caused by disturbed sleep, costs up to 147 billion euros each year, according to [research](#) by France’s National Noise Council (CNB) and the French Environment and Energy Management Agency (ADEME). Some 25 million French residents said that noise impacted their lives; 432,000 said they were taking tranquilizers to cope with it.

“Noise makes people ill,” says Dan Lert, deputy mayor for Paris. “It rots the life of Parisians. That’s why we decided to act.”

Lert currently heads the city’s Plan Bruit, or Noise Plan, which is aimed at mitigating the din. During its first Noise Plan, which ran from 2015 to 2020, Paris introduced a number of measures as part of its war on noise: installing sound barriers along half the length of the périphérique, increasing roadside noise checks, testing innovative low-noise asphalt and establishing rules that state new housing must have at least one façade “not exposed to noise.”

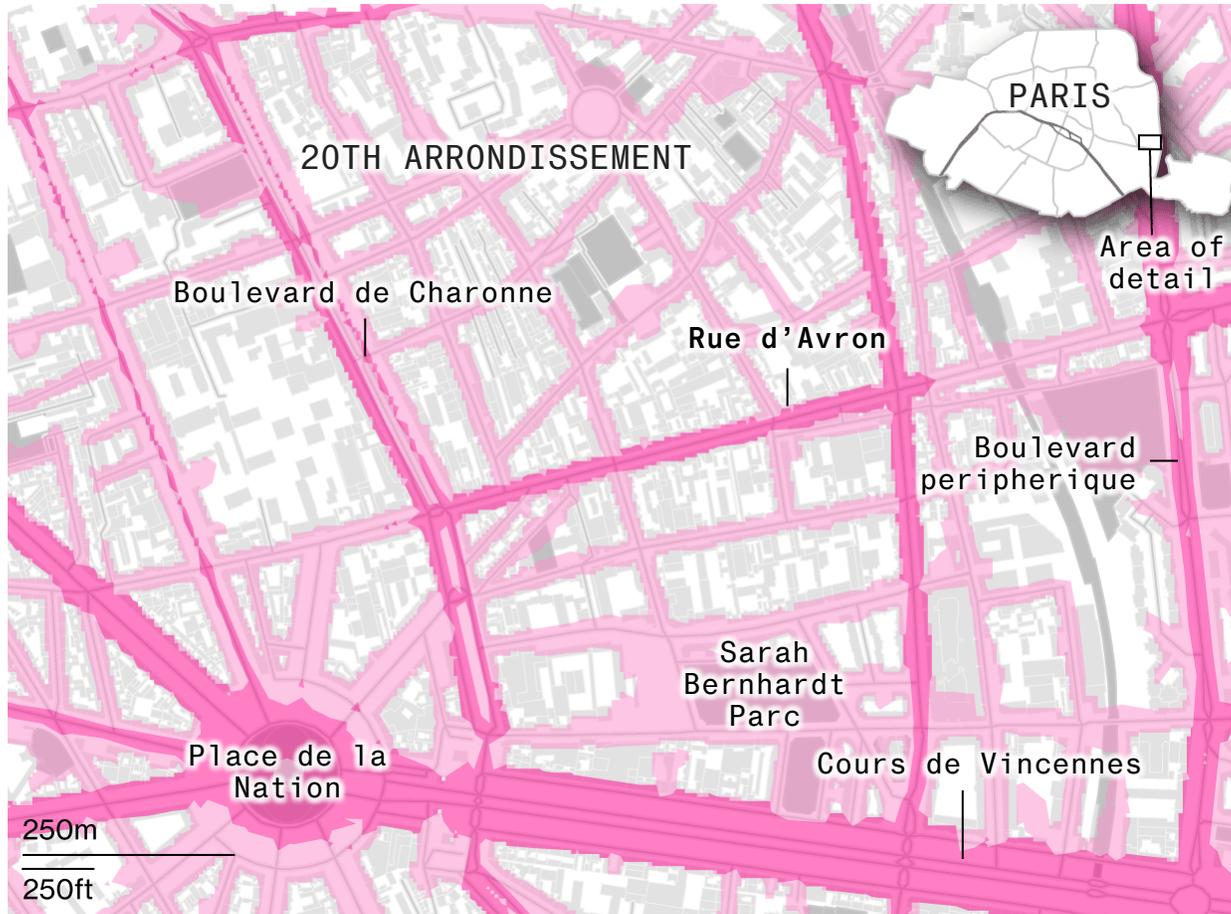
The effort to quiet Paris complements the wider campaign to make Paris greener, cleaner and less car-dependent, which include a series of vehicle restrictions in the city center, crackdowns on the most polluting vehicles, and an ambitious expansion of cycling networks. Those changes have cut the city’s average noise level by two decibels and reduced the number of people living in a noisy environment (using the European “Lden” measurement of a 24-hour average greater than 68 dB) from 231,000 in 2015 to 100,994 in 2021.

It Might Get Loud

A sound map of Paris’ 20th arrondissement shows traffic noise along major arteries

Average daily noise level (Lden)

- Over 53db (WHO threshold)
- Over 68db (European threshold)



Source: Bruitparif, Apur

Note: Noise map is for road traffic only

The second Noise Plan aims to turn down the volume by a further 37% between 2021 and 2026, targeting both “environmental noise” caused by transport and industry and “neighborhood noise” related to social activities. As well as the sound radars, the speed limit in most of the city has been cut from 50 kilometers per hour to 30 km/h. Additionally, charges for motorbike parking – currently free – will soon be introduced and restrictions will be tightened on building sites, deliveries and noisy neighbors. Even the city’s police have been asked to turn down their sirens at night.

But these noise-canceling efforts have also drawn some resistance – especially from motorcycle owners, who staged raucous mass protest rides through Paris in 2021 to protest new parking charges, speed limits and other measures.



Motorcyclists ride along the périphérique around Paris in April 2021 as they stage a protest against new parking regulations for motorcycles. *Photographer: Alain Jocard/AFP via Getty Images*

Authorities are responding to a growing body of research that shows noise pollution is a not-so-silent killer. Noise is the second biggest environmental factor causing health problems after only air pollution, according to a 2018 report by the WHO, and a UN report in February declared urban noise pollution one of the world’s “top emerging environmental threats.” A study in 2019 by the Paris

regional health agency and Bruitparif found noise was cutting the life expectancy of Parisians by 10.7 months.

“For a long time, noise was seen more as a quality of life issue, but not a health risk,” says Fanny Mietlicki, the director of Bruitparif. “But the reality is that there are massive health consequences, and more and more research is proving this.”

Recent findings are further amplifying concerns: A 15-year analysis in Switzerland published in January found transport noise is a major contributor to cardiovascular deaths and had “effects starting below current [WHO] guideline limits.” Beyond the more obvious threats, noise has the potential to impact the inner workings of gene networks and gut microbiota, according to a 2021 study. And researchers in Madrid even found that noise is “an important environmental variable ... to the incidence and severity of COVID-19.”

Their conclusions are unanimous: More needs to be done to fight noise. Under the European Union’s 2002 Environmental Noise Directive, cities with over 100,000 inhabitants must publish a noise map every five years.

“Do you move a school and a hospital away from the noise, or simply move the cars?”

But according to David Rojas-Rueda, a professor at Colorado State University, that data must be acted on. “Data is crucial,” says Rojas-Rueda, who is currently leading a year-long project to produce a noise map of Colorado. “If you don’t measure things, you don’t know what is happening. But once you have that, you have to use it.”

To combat noise, cities have opted for a range of reactionary or regulatory responses. New York City, for example, has limited the time of day when construction work can be done; Dutch cities are focusing on “acoustic insulation” of homes. But Rojas-Rueda believes that Paris’ holistic approach will be more successful over the long term.

“Do you move a school and a hospital away from the noise, or simply move the cars?” says Rojas-Rueda, who was involved in a study that found Barcelona’s Superblock model of pedestrian-first zones led to major reductions in air and noise pollution. “It makes sense to improve the all-round livability of cities.”

And in reducing noise pollution, he says, there’s another key benefit: Inequalities are reduced. Analysis of U.S. data has found noise exposure is greater in areas with higher proportions of nonwhite and low-income residents. The Paris Noise Plan acknowledges these “environmental, social and territorial health inequalities” linked to noise. “The poorest households suffer the worst,” says Lert.

The drab Rue d'Avron, a major artery in a lower-income neighborhood, very much fits that description: It is a world away from the glitz of the Champs-Élysées.

“All day long it’s too loud,” says Felix Westphal, 33, who lives in an apartment that overlooks the street. “Dumpster trucks. Delivery vans. And a horn rings out every time the gates of the compound across the road open – all through the night.”

Some distinctly Parisian noises, however, aren’t likely to be muffled anytime soon. Not far from Rue d'Avron stands the Place de la Nation, a historic square regularly used to begin or end political demonstrations in Paris. Regardless of the sound radar installed nearby, locals suggest that the cherished French tradition of full-throated protest will remain intact.

– *With assistance by Marie Patino*

[Terms of Service](#) [Do Not Sell or Share My Personal Information](#) [Trademarks](#) [Privacy Policy](#)

©2023 Bloomberg L.P. All Rights Reserved

[Careers](#) [Made in NYC](#) [Advertise](#) [Ad Choices](#) [Help](#)

SB-588

Submitted on: 1/29/2023 1:20:36 PM

Testimony for TCA on 1/31/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kim Jorgensen	Individual	Support	Written Testimony Only

Comments:

Aloha,

I FULLY SUPPORT SB588, and am sincerely grateful to Senator Moriwaki and her colleagues who introduced it.

Noise pollution is a severe detriment to one's health, and the passage of SB588 will help curb the effects of current noise on your constituents.

Mahalo,

Kim Jorgensen

Waikiki

SB-588

Submitted on: 1/29/2023 1:35:09 PM

Testimony for TCA on 1/31/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Audrey Daniels	Individual	Support	Written Testimony Only

Comments:

I support SB 588.

Modified mufflers serve no other purpose other than to create noise pollution. The joy of living in Hawaii, our island paradise is disrupted by this excessive noise.

Yes, please enforce controlling measures since excessive noise is harmful to residents, young and old and to visitors who come to Hawaii for calm and gentle aloha. This noise is detrimental to the health of everyone from infants to senior citizens.

SB-588

Submitted on: 1/30/2023 8:10:41 AM

Testimony for TCA on 1/31/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John Bickel	Individual	Support	Written Testimony Only

Comments:

As a resident of Waikiki who seldom gets a full night's sleep, I support this and other measures to reduce loud vehicle noise in the late night hours. All it takes is a few vehicles lacking adequate mufflers to cause sound to bounce off buildings. As Honolulu builds up through high rise buildings, we need to protect ourselves from the increased risk of noise pollution.

LATE

SB-588

Submitted on: 1/30/2023 7:11:05 PM

Testimony for TCA on 1/31/2023 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lois Langham	Individual	Support	Written Testimony Only

Comments:

I live near the intersection of Kapiolani and Kaheka. The noise from loud mufflers, backfiring , revving loud engines has kept increasing so that I frequently can't hear my tv and have gotten accustomed to reading close captions. I finally bought noise cancelling headphones and am amazed when I take them off of, not only the frequent loud car noises, but the lower constant hum with a less than peaceful daily, hourly constant impact. The noise that is deliberately made - the loud mufflers often backfiring and at all hours - bothers me the most. I've fantasized something like this bill to bring peace to me and my neighbors!



TESTIMONY BY:
EDWIN H. SNIFFEN
DIRECTOR

Deputy Directors
DREANALEE K. KALILI
TAMMY L. LEE
ROBIN K. SHISHIDO
JAMES KUNANE TOKIOKA

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

January 31, 2023
3:00 P.M.
State Capitol, Teleconference

S.B. 588
RELATING TO EXCESSIVE NOISE

Senate Committees on Transportation and Culture and the Arts

The Department of Transportation (DOT) **supports the intent** and would like to offer the following comments. S.B. 588 appropriates funds for DOT, in conjunction with the City and County of Honolulu, to develop a pilot program to use noise detection traffic cameras to address excessive traffic noise in urban areas on the island of Oahu.

The Department of Health (DOH) currently has the Highways Noise Policy and Abatement Guidelines dated April 18, 2016, wherein it states the DOT's noise policy on highway traffic and construction noise. This policy describes the DOT's implementation of the Federal Highway Administration Noise Standard in 23 Code of Federal Regulations Part 772.

The policy states that the level of highway traffic noise primarily depends on three factors: 1) The volume of the traffic, 2) The speed of the traffic, and 3) the number of trucks in the flow of the traffic. Generally, heavier traffic volumes, higher speeds, and greater number of trucks increase the loudness of highway traffic noise.

However, the policy does not have any requirements on individual vehicle's noise emission or detection.

Thank you for the opportunity to provide testimony.